

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 359

2022 Regular Session

Jackson

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

SEIZURES/SALES. Provides for civil forfeiture reform.

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Provides for "good cause" as to incarceration of the owner or interest holder.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 359 Reengrossed

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Present law provides relative to the seizure and forfeiture of property related to certain violations of present law (Uniform Controlled Dangerous Substances Law).

Present law provides for forfeiture proceedings that includes authorizing the district attorney to delay filing the judicial forfeiture proceeding for 180 days, if a claimant files a request for a stipulation of exemption.

Proposed law retains present law and authorizes the delay if an extension to file a claim is granted.

Present law provides notice is effective upon personal service, publication, or mailing of the notice whichever is earlier. Proposed law changes effectiveness from mailing the written notice to receipt of a written notice by certified mail.

Present law requires the notice include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action. Proposed law retains present law.

Present law authorizes only an owner of or interest holder in property seized for forfeiture to file a claim. Further, requires the claim to be mailed to the seizing agency and to the district attorney by certified mail, return receipt requested, within 30 days after Notice of Pending Forfeiture.

Proposed law retains present law and authorizes a court to grant an extension of time for the filing of a claim for good cause shown and that good cause includes incarceration of the owner or interest holder. Provides that incarceration of the owner or interest holder during the original 30 day period creates a rebuttable presumption of good cause as to the owner or interest holder.

Proposed law requires motion granting an extension be filed within 60 days after receipt of the Notice of Pending Forfeiture.

Effective August 1, 2022.

(Amends R.S. 40: 2608(A)(1), (2), and (4) and 2610(A))

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